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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,849	08/03/2001	Jesus Matey	BA1525360/01361	8634

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT PAPER NUMBER

2623

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,849

Applicant(s)

MATEY ET AL.

Examiner

Michael Van Handel

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/01/2006 has been entered.

Response to Amendment

1. This action is responsive to an Amendment filed 3/01/2006. Claims **1, 3-7, 9-14** are pending. Claims **1, 12-14** are amended. Claims **2, 8** are canceled.

Response to Arguments

1. Applicant's arguments filed 3/01/2006 with respect to claims **1, 12-14** have been considered, but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1, 3-7, 9-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al.

Referring to claims **1, 12, 13, and 14**, Ellis et al. discloses a television system/broadcast data receiver/method, said system/method comprising a display screen 27 (col. 6, l. 40-42 & Fig. 1) and a broadcast data receiver for the reception of data broadcast from a broadcaster at a remote location, said data including any or any combination of video, audio and/or auxiliary data, at least part of said data being processed by the broadcast data receiver to generate an electronic program guide (col. 5, l. 11-44 & col. 6, l. 45-60), said electronic program guide containing information relating to a range of programs available for viewing at that instant or in the future, and displaying said electronic program guide on the display screen (col. 7, l. 43-46 & Figs. 5A-5C, 14), wherein the broadcast data receiver is provided with a facility allowing a user to select to view from the electronic program guide, a visual display of each (col. 9, l. 60-67 & col. 10, l. 1-11), or a pre-determined selection (col. 9, l. 31-38), of the programs available for viewing at that instant or for a particular time period in the future, a selectably entered pre-determined display time for each pre-determined selected program (col. 11, l. 39-60), and on user selection of the facility, the broadcast data receiver shows a visual display of each predetermined program for the selectably entered pre-determined display time in sequence for said selectably entered pre-determined period of time until a user makes a selection of a particular program being shown (col. 11, l. 8-13) or until all the programs available (col. 11, l. 4-7), or the pre-determined selection of programs (col. 17, l. 7-20), have been shown for the selectably entered pre-determined period of time.

Referring to claim 3, Ellis et al. discloses a television system according to claim 1, wherein said pre-determined period of time which each program can be viewed is determined by the broadcaster (col. 5, l. 40-44 & col. 11, l. 40-41).

Referring to claim 4, Ellis et al. discloses a television system according to claim 1, wherein said pre-determined period of time for which each program can be viewed is determined by the user and, on selection of the pre-determined period of time, the broadcast date receiver displays the programs for the user selected period of time (col. 11, l. 39-67; col. 12, l. 20; & Fig. 6).

Referring to claims 5 and 6, Ellis et al. discloses a television system according to claim 1, wherein the programs available for viewing using the facility are based on the user's favorite channel and/or program list (col. 8, l. 19-29; col. 9, l. 35-38; & col. 17, l. 33-40).

Referring to claim 7, Ellis et al. discloses a television system according to claim 1, wherein the programs available for viewing using the facility are a number of programs identified on the basis of user defined subject matter input into the system (col. 9, l. 35-38; col. 16, l. 48-67; & col. 17, l. 1-31).

Referring to claim 9, Ellis et al. discloses a television system according to claim 1, wherein the user is able to select a particular program for watching subsequently at the time of the visual display for that program being shown (col. 11, l. 8-14).

Referring to claim 10, Ellis et al. discloses a television system according to claim 1, wherein a textual message is generated on screen for each program shown via the facility to inform the user of details relating to each of the said programs (col. 12, l. 37-43 & Figs. 5A-5C, 7-9B, 11A-13C).

Referring to claim 11, Ellis et al. discloses a television system according to claim 1, wherein selections made from the group consisting of selection of the facility, selection of the subject matter to which the programs shown via the facility relate, selection of the pre-determined period of time for which the programs are shown for and selection of a particular program to subsequently be viewed, are achieved via a remote control device used in conjunction with the broadcast data receiver (col. 7, l. 10-67; col. 8, l. 1-60; & Figs. 3, 4).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yuen et al. discloses an apparatus and method for channel scanning by theme.

Bedard discloses a method and apparatus for creating a television viewer profile that includes automatic channel surfing.

Schlarb et al. discloses a method and apparatus for browsing television channel information by category.

Ward, III et al. discloses using profile data for automatic channel surfing.

Gill et al. discloses using profile data to automatically surf through a user's favorite channels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Michael Van Handel
Examiner
Art Unit 2623

MVH


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
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